

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES,	:	
	:	
v.	:	CASE NO.: 7:21-cr-7 (WLS)
	:	
BARRY KIYA DAISE.,	:	
	:	
Defendant.	:	
	:	

ORDER

Presently before the Court is the Government’s Motion to Schedule a Trial during this Court’s October 2022 trial term. (Doc. 89.) Therein, the Government requests that this Court set this case for trial on October 3, 2022, during the Albany term of Court – or in the alternative specially set a trial of this case in the Valdosta division – to safeguard the Defendant’s right to a speedy trial. (*Id.*)

In the event of a mistrial, if the defendant is to be tried again, the Speedy Trial Act requires that the new trial commence within seventy (70) “days from the date the action occasioning the retrial becomes final.” This Court declared a mistrial, in the present case, on Friday, August 12, 2022. Accordingly, Defendant’s new trial must commence by no later than Friday, October 21, 2022.

In addition, there is no Sixth Amendment issue precluding this Court from holding Defendant’s trial in the Albany Division of the Middle District of Georgia. In the United States Court of Appeals for the Eleventh Circuit, “the *Sixth Amendment* does not entitle a federal criminal defendant to a jury summoned from a fair cross-section of the community immediately surrounding the place of the crime, but merely to a jury drawn from a fair cross-section of some previously defined geographical area within the boundaries of the judicial district in which the offense occurred.” *United States v. Grisham*, 63 F.3d 1074, 1080 (11th Cir. 1995).

Given the nature of the proceeding, and the need to comply with the Speedy Trial Act, the Defendant is hereby **ORDERED** to respond to the Government's Motion (Doc. 89), by **no later than close of business, Wednesday August 24, 2022**, informing the Court whether Defendant consents or objects to being tried in the Albany division of the Middle District of Georgia, and whether there is any reason that this case must be continued from the October 2022 trial term. If appropriate, Defendant shall support his response with a brief.

SO ORDERED, this 18th day of August 2022

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT